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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,482	12/20/2001	Stephanie Wai Man Shiu	36691-00002	5484

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08/08/2003

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EXAMINER

TSIDULKO, MARK

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,482

Applicant(s)

SHIU, STEPHANIE WAI MAN

Examiner

Mark Tsidulko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

The submission of amendment filed on 5/27/03 is acknowledged. At this point claims 1, 5, 6, 20 have been amended and the remaining claims left unchanged. Thus, claims 1-20 are at issue in the instant application.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Macek (US 6,394,622) in view of Garner (US 5,903,103).

Referring to Claims **1, 4, 18** Macek discloses (Fig.3) a plurality of light sources [19] and [22], switch [21] and a housing [11] configured so as to direct the light into a beam.

Macek discloses the instant claimed invention except for an integrated circuit and a switch electrically coupled to the integrated circuit.

Garner disclose (Figs. 3-8) an integrated circuit based on signal from the switch and configured to control which of the plurality of light sources are illuminated (col.4, lines 14-20; col.6, lines4-13).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the integrated circuit and switch of Garner for the device of Macek for purpose of controlling the illumination of the light source based on input signal of the switch.

Referring to Claims **2, 3** Macek discloses a lighting device having a plurality of the light sources. A LED and a incandescent bulb are well known and widely used in the art of illumination.

It is understood that any desired type of light source well known in the art including LED and incandescent bulb may be used for the device. Also it is well known in the art that LED and incandescent bulb have different levels of power consumption.

Referring to Claims **7, 12** Macek discloses the instant claimed invention except for counter. Garner discloses a counter [64]. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Macek with Garner's integrated circuit having counter for purpose of providing different states of illumination.

Referring to Claims **5, 6, 13** Macek discloses the instant claimed invention except for multi-state electronic device.

Garner discloses the integrated circuit which is a multi –state electronic device that has three states that can be changed by a signal from the switch (col.8, lines 44-67; col.9, lines 1-67; col.10, lines 1-3).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the multi-state circuit of Garner for the device of Macek in order to obtain a plurality of types of illumination.

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Referring to Claims **8, 16** Macek discloses (Figs.1, 5, 7) that each light source has is covered by own lens.

Referring to claim **9** it is understood that the flashlight will work without changing the functionality if lens or lenses cover any desired combination of the light sources, but by Examiner's opinion, if lens covers LEDs only, uncovered incandescent bulb is unsaved from a damage.

Referring to Claims **10, 19** Macek disclose the instant claimed invention except for a three-position rock switch.

This type of switch is well known in the art. Using of three-position switch let to obtain additional operating position except regular ON/OFF positions.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the three-position rock switch for the device of Macek on order to obtain an additional position for operation of the control circuit.

Referring to Claims **11, 20** Macek discloses (Fig.3) a plurality of light sources [19] and [22], switch [21] and a hand-sized housing [11] configured so as to direct the light from the plural light sources.

Macek disclose the instant claimed invention except for a multi-state electronic device.

Garner discloses discloses the integrated circuit which is a multi-state electronic device that has three states that can be changed by a signal from the switch (col.8, lines 44-67; col.9, lines 1-67;

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col.10, lines 1-3). Since Garner discloses that the combination creates different light pattern (lights light together or in sequence it is understood, that any combination of light sources can be obtain.

Three-position switch is well known in the art. Using of three-position switch in a combination with the integrated circuit allow to obtain utilization of the different light sources that can direct the light beams to any directions with accordance to location of the light source and design of the device.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the integrated multi-state circuit of Garner for the device of Macek in order to obtain a plurality of types of illumination.

Referring to Claims **14, 15** Macek discloses a lighting device having a plurality of the light sources which can be LED, an incandescent bulb or any other lighting means known in the art. It is well known in the art that the LED and incandescent bulb have different brightness.

Referring to Claim **17** Macek discloses (Fig.1) a flashlight body that configured to direct light from the plural light sources in a single direction.

### ***Conclusion***

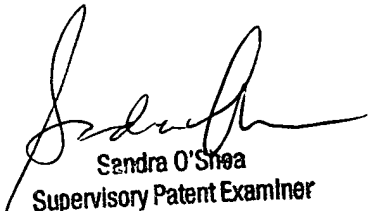
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703)872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.  
July 1, 2003



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800